



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

DEC 21 2012

Ref: 8ENF-RC

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Scott T. Anderson, Director  
Division of Solid and Hazardous Waste  
Utah Division of Environmental Quality  
P.O. Box 144880  
Salt Lake City, UT 84114-4880

Re: Request to Initiate Federal Enforcement Action at the Western Zirconium facility in Ogden, Utah

Dear Mr. Anderson:

In accordance with Section VII D of the 1989 Enforcement Agreement between the Environmental Protection Agency Region 8, and the Utah Department of Environmental Quality, Division of Solid and Hazardous Waste, we are notifying the Division that the EPA Region 8 wishes to pursue an enforcement action against the Western Zirconium facility in Ogden, Utah, for violations identified during an EPA lead inspection on September 14-15, 2011, and November 8, 2011. The Region believes that the EPA would be best suited to initiate any federal enforcement in this matter because any action would be part of an EPA National Mineral Processing Initiative that involves interstate issues as provided under Section VII. D (ii) of the agreement. The EPA Region 9 Office has issued notice of violations against a similar operation for the Wah Chang facility located in Millersburg, Oregon. The EPA National Enforcement and Investigation Center has been actively involved in the investigation at Western Zirconium and has provided similar support to EPA's case against the Wah Chang facility. We believe that having Region 8 pursue enforcement against Western Zirconium would ensure fair and consistent application of EPA's regulations within the United States.

We would like to discuss our request with you and your staff at your earliest convenience. If you have any questions, you can contact me at (303) 312-6393, Aaron Urdiales at (303) 312-6844 or David Duster at (303) 312-6665.

Sincerely,

Kelcey Land, Director *Acting*  
CERCLA/RCRA Technical Enforcement Program

cc: David Duster, EPA  
Allan Moore, UDEQ via email



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